

SECOND REGULAR SESSION

SENATE BILL NO. 868

92ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR SHIELDS.

Pre-filed December 1, 2003, and ordered printed.

TERRY L. SPIELER, Secretary.

3046S.01I

AN ACT

To amend chapter 135, RSMo, by adding thereto one new section relating to donations of teachers to schools.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Chapter 135, RSMo, is amended by adding thereto one new section, to be known as section 135.342, to read as follows:

135.342. For all tax years beginning on or after January 1, 2005, a taxpayer who is a teacher, as defined in subdivision (15) of section 163.011, RSMo, shall, to the extent such taxpayer claims no other credit or deduction for the same expenditures, be allowed to claim a credit against the tax otherwise due pursuant to chapter 143, RSMo, excluding sections 143.191 to 143.265, RSMo, in an amount equal to the lesser of two hundred fifty dollars or the amount of such taxpayer's out-of-pocket expenditures during the same tax year for instructional materials used in the course of such taxpayer's employment as a teacher. A taxpayer shall claim the credit allowed by this section at the time such taxpayer files a return; provided that, a taxpayer who fails to timely file such taxpayer's return shall not be eligible for a credit pursuant to this section. The tax credit allowed pursuant to this section shall be nonrefundable, but may be carried over to the next five succeeding taxable years until the full credit has been claimed. The department of revenue is authorized to adopt any rules or regulations deemed necessary for the effective administration of this section. Any rule or

portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2004, shall be invalid and void.

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